

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

IVAN LEE MATTHEWS, II,

Plaintiff

Case No. 2:21-cv-00120-APG-NJK

ORDER

v.

SCALLEY, *et al.*,

Defendants

I. DISCUSSION

On January 22, 2021, Plaintiff, an inmate in the custody of the Nevada Department of Corrections (“NDOC”), submitted a civil rights complaint under 42 U.S.C. § 1983 and filed an application to proceed *in forma pauperis*. Docket Nos. 1-1, 1. Plaintiff’s application to proceed *in forma pauperis* is incomplete. Plaintiff has not submitted a financial certificate or an inmate account statement for the previous six-month period.

Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, an inmate seeking to begin a civil action in this Court may apply to proceed *in forma pauperis* in order to file the civil action without prepaying the full \$402 filing fee. To apply for *in forma pauperis* status, the inmate must submit all three of the following documents to the Court:

- (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, this Court’s approved form (i.e. pages 1 through 3 with the inmate’s two signatures on page 3),
- (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official (i.e. page 4 of this Court’s approved form), and
- (3) a copy of the **inmate’s prison or jail trust fund account statement for the previous six-month period.**

Accordingly, the Court denies Plaintiff’s application to proceed *in forma pauperis*, Docket No. 1, without prejudice because the application is incomplete. The Court will grant Plaintiff a

1 **one-time extension** to file a fully complete application to proceed *in forma pauperis* containing
 2 all three of the required documents. Plaintiff will file a fully complete application to proceed *in*
 3 *forma pauperis* on or before **March 26, 2021**. Absent unusual circumstances, the Court will not
 4 grant any further extensions of time. If Plaintiff does not file a fully complete application to
 5 proceed *in forma pauperis* with all three required documents on or before **March 26, 2021**, this
 6 case will be subject to dismissal without prejudice for Plaintiff to file a new case with the Court
 7 when Plaintiff is able to acquire all three of the documents needed to file a fully complete
 8 application to proceed *in forma pauperis* or pays the full \$402 filing fee.

9 A dismissal without prejudice means Plaintiff does not give up the right to refile the case
 10 with the Court, under a new case number, when Plaintiff has all three documents needed to submit
 11 with the application to proceed *in forma pauperis*. Alternatively, Plaintiff may choose not to file
 12 an application to proceed *in forma pauperis* and instead pay the full filing fee of \$402 on or before
 13 **March 26, 2021** to proceed with this case.

14 The Court will retain Plaintiff's civil rights complaint, Docket No. 1-1, but the Court will
 15 not file the complaint unless and until Plaintiff timely files a fully complete application to proceed
 16 *in forma pauperis* with all three documents or pays the full \$402 filing fee.

17 **II. CONCLUSION**

18 For the foregoing reasons, IT IS ORDERED that Plaintiff's application to proceed *in forma*
 19 *pauperis*, Docket No. 1, is denied without prejudice to file a new fully complete application to
 20 proceed *in forma pauperis* with all three documents.

21 IT IS FURTHER ORDERED that the Clerk of the Court will send Plaintiff the approved
 22 form application to proceed *in forma pauperis* by an inmate, as well as the document entitled
 23 information and instructions for filing an *in forma pauperis* application.

24 IT IS FURTHER ORDERED that on or before **March 26, 2021**, Plaintiff will either pay
 25 the full \$402 filing fee for a civil action (which includes the \$350 filing fee and the \$52
 26 administrative fee) or file with the Court:

- 27 (1) a completed **Application to Proceed in Forma Pauperis for Inmate** on this Court's
 28 approved form (i.e. pages 1 through 3 of the form with the inmate's two signatures on page

1 3),

2 (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official
3 (i.e. page 4 of this Court's approved form), and

4 (3) a copy of the **inmate's prison or jail trust fund account statement for the previous**
5 **six-month period.**

6 IT IS FURTHER ORDERED that, if Plaintiff does not file a fully complete application to
7 proceed *in forma pauperis* with all three documents or pay the full \$402 filing fee for a civil action
8 on or before **March 26, 2021**, this case will be subject to dismissal without prejudice for Plaintiff
9 to refile the case with the Court, under a new case number, when Plaintiff has all three documents
10 needed to file a complete application to proceed *in forma pauperis* or pays the the full \$402 filing
11 fee.

12 IT IS FURTHER ORDERED that the Clerk of the Court will retain the complaint, Docket
13 No.1-1, but will not file it at this time.

14 IT IS SO ORDERED.

15 DATED: January 25, 2021.

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19 NANCY J. KOPPE
20 UNITED STATES MAGISTRATE JUDGE
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